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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,358	12/03/2003	James N. Ray	00147/B	8995
7590	07/20/2004			EXAMINER LAMB, BRENDA A
John P. Sinnott Langdale & Vallotton, LLP PO Box 1547 Valdosta, GA 31603-1547			ART UNIT 1734	PAPER NUMBER

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10726,358	Applicant(s)	RAY
Examiner	LAMB	Group Art Unit	1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

Responsive to communication(s) filed on 12/03/2003

This action is FINAL.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

### Disposition of Claims

Claim(s) 9-12 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 9-12 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 12/03/03  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the discharge pump for selectively withdrawing fluid from the pressure vessel and returning fluid to the work tank; means for replenishing the returned fluid must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: discharge pump and means for replenishing.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlgren 3,801,360 in view of Bongrand et al 1,986,319.

Dahlgren teaches an apparatus for treating cellulose materials with fluid or coating which is comprised of a work tank 11 for holding coating in a predetermined concentration, a pump in selective fluid communication with the work tank for drawing the coating from the work tank, a pressure vessel 10 for accommodating the cellulose material, the pressure vessel being in communication with the work tank through the pump, a pressure relief valve in communication with the pressure vessel and the work tank to enable the mixed coating to return to the work tank in response to the pump. Dahlgren fails to teach means for replenishing the returned coating with more of the preservative, whereby the pump circulates the replenished mixed coating to the pressure vessel. However, it would have been obvious to modify Dahlgren apparatus by providing a means for replenishing the returned coating with more of the coating using an auxiliary filling vat to fill a work tank supplying a pressure chamber since it is old in the art of coating to do so as shown by Bongrand et al for the obvious advantage of providing means to replenish consumed coating material – greater control of the coating process. With respect to claim 11, Dahlgren teaches a vacuum pump 25 in fluid communication with the pressure vessel to a draw selectively a vacuum within the

pressure vessel. With respect to claim 12, Dahlgren teaches a discharge pump or vacuum pump 25 for selectively withdrawing the coating from the pressure vessel and returning the coating to the work tank.

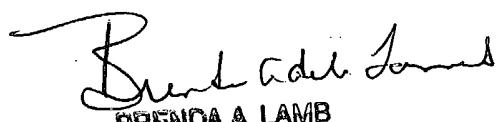
Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlgren 3,801,360 in view of Bongrand et al 1,986,319 and Vinden et al.

Dahlgren and Bongrand et al are applied for the reasons noted above. Dahlgren fails to teach a heater for heating the coating or the fluid and preservative in the work tank. However, it would have been obvious to modify the Dahlgren apparatus by providing an in-tank heater for heating the coating or preservative in the work tank such as taught by Vinden et al for the obvious advantage of greater control of the process (Vinden et al column 10 lines 4-9).

Any inquiry concerning this communication should be directed to Brenda A Lamb at telephone number (571)-272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

Brenda Adele Lamb/mn

6/30/2004

  
BRENDA A. LAMB  
PRIMARY EXAMINER